

REMARKS/ARGUMENTS

Claims 20, 21 and 27-39 are now pending in this application.

Claims 1-19 and 22-26 have been canceled.

Claims 38 and 39 have been added and are supported in original claims 32 and 34 respectively and in the specification at page 8, lines 15-19.

Restriction/Election Requirements

In view of the withdrawal of claims 13-19 and 22-26 from examination these claims have been canceled from the application. Applicants reserve the right to file a divisional application directed to the invention encompassed by these claims and/or any invention disclosed and described within the present application.

Rejection under 35 U.S.C. §112, second paragraph

Claims 32 and 34 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection is traversed and its reconsideration is respectfully requested in view of the remarks put forth below.

The test for indefiniteness is whether one of ordinary skill in the art would understand the bounds of the claims, when read in light of the specification and in the context of the prior art. Thus, claim language cannot be analyzed in a vacuum but must be interpreted in light of the specification, the teachings of the prior, and the reasonable interpretation given by one of ordinary skill. Importantly, breadth of a claim should not be equated with indefiniteness. In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). See also M.P.E.P. §2173.04. The mere fact that a claim may be broad, does not necessarily mean that the claim is vague or indefinite. Rather, if the scope of the claim is clear, and if applicants have not otherwise indicated that they intend the invention to be of a different scope from that claimed, then the claims comply with 35 U.S.C. §112, second paragraph.

In this case, Applicants have expressly defined the term “derivative” as referring to “compounds having an atomic or molecular substitution(s) at any position as compared with the parental compound”, wherein said derivatives are capable of functioning as a carbonyl compound-trapping agents. See specification, p. 8, lines 15-19. This definition is in line with the art-accepted definition of the term “derivative” as applying to a chemical “compound derived or obtained from another and containing essential elements of the parent substance.” See The American Heritage Dictionary of the English

USSN: 09/763,286

Language, Fourth Edition (2000). Furthermore, with regard to the guanidine derivatives recited in claim 32, Applicants have expressly identified methylguanidine and the like as examples of suitable derivatives. Likewise, regarding the hydrazine derivatives recited in claim 34, Applicants have expressly identified sulfonylhydrazine and the like as examples of suitable derivatives. See specification, p. 8, lines 20-25 and new claims 38 and 39 which are supported here.

Accordingly, when the claimed terminology is interpreted in light of the guidance set forth in the specification and in the context of the prior art, the scope of the claim becomes abundantly clear, such that one skilled in the art could readily comprehend the metes and bounds of the claim so as to understand how to avoid infringement. Thus, as claims 32 and 34 meet the threshold requirements for clarity and precision, the rejection should be withdrawn.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number SHIM-008.

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Respectfully submitted,
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